

Please type a plus sign (+) inside this box → ☐

PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No.	04608.00002
First Inventor	Eric A. Baldwin
Title	APPARATUS AND METHOD FOR REPAIRING THE FEMUR
Express Mail Label No.	EL 735 118 145 US

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages  ]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross References to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets  ]
5. Oath or Declaration [Total Pages  ]
  - a. ☐ Newly executed (original or copy)
  - b. ☐ Copy from a prior application (37 CFR 1.63 (d))  
(for a continuation/divisional with Box 18 completed)
  - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

**ADDRESS TO:**Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statements verifying identity of above copies

**ACCOMPANYING APPLICATIONS PARTS**

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. §3.73(b) Statement ☐ Power of Attorney  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other Nonpublication Request Under 37 C.F.R. §1.213

**18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:**☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No. \_\_\_\_ / \_\_\_\_

Prior application information:

Examiner \_\_\_\_

Group / Art Unit: \_\_\_\_

**For CONTINUATION or DIVISIONAL APPS only:** The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.**17. CORRESPONDENCE ADDRESS**☒ Customer Number or Bar Code Label

22908

or ☒ Correspondence address below

(Insert Customer No. or Attach bar code label here)

Name	Charles L. Miller				
	Banner & Witcoff, Ltd.				
Address	Ten South Wacker Drive Suite 3000				
City	Chicago	State	Illinois	Zip Code	60608
Country	U.S.	Telephone	312-715-1000	Fax	312-715-1234

Name (Print/Type)	Charles L. Miller	Registration No. (Attorney/Agent)	43,805
Signature	<i>Charles L. Miller</i>	Date	February 2, 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

<h1 style="margin: 0;">FEE TRANSMITTAL</h1> <h2 style="margin: 0;">for FY 2001</h2> <p style="margin: 5px 0 0 40px;"><i>Patent fees are subject to annual revision.</i></p>		<b>Complete if Known</b>	
		Application Number	n/a
		Filing Date	February 2, 2001
		First Named Inventor	Eric A. Baldwin
		Examiner Name	n/a
		Group / Art Unit	n/a
TOTAL AMOUNT OF PAYMENT (\$)		624	Attorney Docket No
			04608 00002

METHOD OF PAYMENT (check one)	FEE CALCULATION (continued)																																																																																																																																																																																																
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <p>Deposit Account Number: 01-0850</p> <p>Deposit Account Name: Banner &amp; Witcoff, Ltd.</p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p> <p>2. <input type="checkbox"/> Payment Enclosed:</p> <p><input type="checkbox"/> Check    <input type="checkbox"/> Credit card    <input type="checkbox"/> Money Order    <input type="checkbox"/> Other</p>	<p><b>3. ADDITIONAL FEES</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee Code</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet.</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>390</td><td>216</td><td>195</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>890</td><td>217</td><td>445</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,390</td><td>218</td><td>695</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,890</td><td>228</td><td>945</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>310</td><td>219</td><td>155</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>310</td><td>220</td><td>155</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>270</td><td>221</td><td>135</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>141</td><td>1,240</td><td>241</td><td>620</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>142</td><td>1,240</td><td>242</td><td>620</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>143</td><td>440</td><td>243</td><td>220</td><td>Design issue fee</td><td></td></tr> <tr><td>144</td><td>600</td><td>244</td><td>300</td><td>Plant issue fee</td><td></td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>123</td><td>130</td><td>123</td><td>130</td><td>Petitions related to provisional applications</td><td></td></tr> <tr><td>126</td><td>180</td><td>126</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>146</td><td>710</td><td>246</td><td>355</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr> <tr><td>149</td><td>710</td><td>249</td><td>355</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td>179</td><td>710</td><td>279</td><td>355</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>169</td><td>900</td><td>169</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> <tr><td colspan="6">Other fee (specify) _____</td></tr> <tr> <td colspan="4">*Reduced by Basic Filing Fee Paid</td> <td>SUBTOTAL (3)</td> <td>(\$)</td> </tr> <tr> <td colspan="4"></td> <td></td> <td>0</td> </tr> </tbody> </table>	Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid	105	130	205	65	Surcharge - late filing fee or oath		127	50	227	25	Surcharge - late provisional filing fee or cover sheet.		139	130	139	130	Non-English specification		147	2,520	147	2,520	For filing a request for reexamination		112	920*	112	920*	Requesting publication of SIR prior to Examiner action		113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action		115	110	215	55	Extension for reply within first month		116	390	216	195	Extension for reply within second month		117	890	217	445	Extension for reply within third month		118	1,390	218	695	Extension for reply within fourth month		128	1,890	228	945	Extension for reply within fifth month		119	310	219	155	Notice of Appeal		120	310	220	155	Filing a brief in support of an appeal		121	270	221	135	Request for oral hearing		138	1,510	138	1,510	Petition to institute a public use proceeding		140	110	240	55	Petition to revive - unavoidable		141	1,240	241	620	Petition to revive - unintentional		142	1,240	242	620	Utility issue fee (or reissue)		143	440	243	220	Design issue fee		144	600	244	300	Plant issue fee		122	130	122	130	Petitions to the Commissioner		123	130	123	130	Petitions related to provisional applications		126	180	126	180	Submission of Information Disclosure Stmt		581	40	581	40	Recording each patent assignment per property (times number of properties)		146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))		149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))		179	710	279	355	Request for Continued Examination (RCE)		169	900	169	900	Request for expedited examination of a design application		Other fee (specify) _____						*Reduced by Basic Filing Fee Paid				SUBTOTAL (3)	(\$)						0
Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																												
105	130	205	65	Surcharge - late filing fee or oath																																																																																																																																																																																													
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.																																																																																																																																																																																													
139	130	139	130	Non-English specification																																																																																																																																																																																													
147	2,520	147	2,520	For filing a request for reexamination																																																																																																																																																																																													
112	920*	112	920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																																																													
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action																																																																																																																																																																																													
115	110	215	55	Extension for reply within first month																																																																																																																																																																																													
116	390	216	195	Extension for reply within second month																																																																																																																																																																																													
117	890	217	445	Extension for reply within third month																																																																																																																																																																																													
118	1,390	218	695	Extension for reply within fourth month																																																																																																																																																																																													
128	1,890	228	945	Extension for reply within fifth month																																																																																																																																																																																													
119	310	219	155	Notice of Appeal																																																																																																																																																																																													
120	310	220	155	Filing a brief in support of an appeal																																																																																																																																																																																													
121	270	221	135	Request for oral hearing																																																																																																																																																																																													
138	1,510	138	1,510	Petition to institute a public use proceeding																																																																																																																																																																																													
140	110	240	55	Petition to revive - unavoidable																																																																																																																																																																																													
141	1,240	241	620	Petition to revive - unintentional																																																																																																																																																																																													
142	1,240	242	620	Utility issue fee (or reissue)																																																																																																																																																																																													
143	440	243	220	Design issue fee																																																																																																																																																																																													
144	600	244	300	Plant issue fee																																																																																																																																																																																													
122	130	122	130	Petitions to the Commissioner																																																																																																																																																																																													
123	130	123	130	Petitions related to provisional applications																																																																																																																																																																																													
126	180	126	180	Submission of Information Disclosure Stmt																																																																																																																																																																																													
581	40	581	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																																																													
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))																																																																																																																																																																																													
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))																																																																																																																																																																																													
179	710	279	355	Request for Continued Examination (RCE)																																																																																																																																																																																													
169	900	169	900	Request for expedited examination of a design application																																																																																																																																																																																													
Other fee (specify) _____																																																																																																																																																																																																	
*Reduced by Basic Filing Fee Paid				SUBTOTAL (3)	(\$)																																																																																																																																																																																												
					0																																																																																																																																																																																												
<p><b>FEE CALCULATION</b></p> <p>1. BASIC FILING FEE</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Large Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Fee Code</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>101</td><td>710</td><td>201</td><td>355</td><td>Utility filing fee</td><td>355</td></tr> <tr><td>106</td><td>320</td><td>206</td><td>160</td><td>Design filing fee</td><td></td></tr> <tr><td>107</td><td>490</td><td>207</td><td>245</td><td>Plant filing fee</td><td></td></tr> <tr><td>108</td><td>710</td><td>208</td><td>355</td><td>Reissue filing fee</td><td></td></tr> <tr><td>114</td><td>150</td><td>214</td><td>75</td><td>Provisional filing fee</td><td></td></tr> <tr><td colspan="5" style="text-align: right;">SUBTOTAL (1)</td><td>(\$)</td></tr> <tr><td colspan="5"></td><td>355</td></tr> </tbody> </table> <p>2. EXTRA CLAIM FEES</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Total Claims</th> <th>Extra Claims</th> <th>Fee from below</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>41</td> <td>-20** = 21</td> <td>9</td> <td>189</td> </tr> <tr> <td>Independent Claims: 5</td> <td>-3** = 2</td> <td>40</td> <td>80</td> </tr> <tr> <td>Multiple Dependent</td> <td></td> <td></td> <td>0</td> </tr> </tbody> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Large Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Fee Code</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>103</td><td>18</td><td>203</td><td>9</td><td>Claims in excess of 20</td><td></td></tr> <tr><td>102</td><td>80</td><td>202</td><td>40</td><td>Independent claims in excess of 3</td><td></td></tr> <tr><td>104</td><td>270</td><td>204</td><td>135</td><td>Multiple dependent claim, if not paid</td><td></td></tr> <tr><td>109</td><td>80</td><td>209</td><td>40</td><td>** Reissue independent claims over original patent</td><td></td></tr> <tr><td>110</td><td>18</td><td>210</td><td>9</td><td>** Reissue claims in excess of 20 and over original patent</td><td></td></tr> <tr><td colspan="5" style="text-align: right;">SUBTOTAL (2)</td><td>(\$)</td></tr> <tr><td colspan="5"></td><td>269</td></tr> </tbody> </table> <p>**or number previously paid, if greater; For Reissues, see above</p>		Large Fee Code	Large Entity Fee (\$)	Small Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid	101	710	201	355	Utility filing fee	355	106	320	206	160	Design filing fee		107	490	207	245	Plant filing fee		108	710	208	355	Reissue filing fee		114	150	214	75	Provisional filing fee		SUBTOTAL (1)					(\$)						355	Total Claims	Extra Claims	Fee from below	Fee Paid	41	-20** = 21	9	189	Independent Claims: 5	-3** = 2	40	80	Multiple Dependent			0	Large Fee Code	Large Entity Fee (\$)	Small Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid	103	18	203	9	Claims in excess of 20		102	80	202	40	Independent claims in excess of 3		104	270	204	135	Multiple dependent claim, if not paid		109	80	209	40	** Reissue independent claims over original patent		110	18	210	9	** Reissue claims in excess of 20 and over original patent		SUBTOTAL (2)					(\$)						269																																																																																
Large Fee Code	Large Entity Fee (\$)	Small Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																												
101	710	201	355	Utility filing fee	355																																																																																																																																																																																												
106	320	206	160	Design filing fee																																																																																																																																																																																													
107	490	207	245	Plant filing fee																																																																																																																																																																																													
108	710	208	355	Reissue filing fee																																																																																																																																																																																													
114	150	214	75	Provisional filing fee																																																																																																																																																																																													
SUBTOTAL (1)					(\$)																																																																																																																																																																																												
					355																																																																																																																																																																																												
Total Claims	Extra Claims	Fee from below	Fee Paid																																																																																																																																																																																														
41	-20** = 21	9	189																																																																																																																																																																																														
Independent Claims: 5	-3** = 2	40	80																																																																																																																																																																																														
Multiple Dependent			0																																																																																																																																																																																														
Large Fee Code	Large Entity Fee (\$)	Small Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																												
103	18	203	9	Claims in excess of 20																																																																																																																																																																																													
102	80	202	40	Independent claims in excess of 3																																																																																																																																																																																													
104	270	204	135	Multiple dependent claim, if not paid																																																																																																																																																																																													
109	80	209	40	** Reissue independent claims over original patent																																																																																																																																																																																													
110	18	210	9	** Reissue claims in excess of 20 and over original patent																																																																																																																																																																																													
SUBTOTAL (2)					(\$)																																																																																																																																																																																												
					269																																																																																																																																																																																												

SUBMITTED BY		Complete (if applicable)			
Name (Print/Type)	Charles L. Miller	Registration No. Attorney/Agent)	43,805	Telephone	312-715-1000
Signature				Date	February 2, 2001

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement. This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**  
(NEW PATENT APPLICATION)

Express Mail No. EL 735 118 145 US

Deposited February 2, 2001

I hereby certify that the attached correspondence, identified below, is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" under 37 CFR §1.10 on the date indicated above and is addressed to the Asst. Commissioner for Patents, Box Patent Application, Washington, DC 20231.

By: Tony Harris  
(person actually depositing)

In the Application of: Eric A. Baldwin et al.

Title: APPARATUS AND METHOD FOR REPAIRING THE FEMUR

- ☒ Transmittal Letter (1 page) in duplicate
- ☒ Fee Transmittal (1 page) in duplicate
- ☒ Specification - including claims and abstract (25 pages)
- ☒ Informal Drawings (21 pages)
- ☒ Nonpublication Request Under 37 C.F.R. §1.213 (1 page)
- ☒ Return Postcard

Attorney Docket No.: 04608.00002



22908

PATENT TRADEMARK OFFICE

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Attorney Docket No.: 04608.00002)

In re Application of:	)	
	)	
Baldwin et al.	)	
	)	
Application No.: TBA	)	Group Art Unit: TBA
	)	
Filed: Concurrently	)	Examiner: TBA
	)	
For: APPARATUS AND METHOD FOR	)	
REPAIRING THE FEMUR	)	

NONPUBLICATION REQUEST UNDER 37 C.F.R. §1.213

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Applicant certifies that the invention disclosed in the above-identified application has not been and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing.

Applicant therefore requests that the above-identified application not be published under 35 U.S.C. §122(b).

Respectfully submitted,

BANNER &amp; WITCOFF, LTD.

Dated: February 2, 2001

By:

Charles L. Miller  
Reg. No. 43,805